

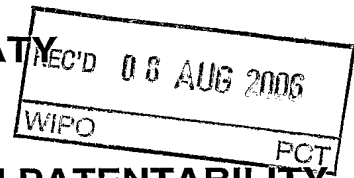
# PATENT COOPERATION TREATY


## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference P18481PC00TV		<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. PCT/NO2005/000097	International filing date (day/month/year) 18.03.2005	Priority date (day/month/year) 19.03.2004	
International Patent Classification (IPC) or national classification and IPC INV. A63B71/12 A43D1/02			
Applicant SPORTSPLINT AS et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  21.11.2005		Date of completion of this report  07.08.2006	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer  Lundblad, H  Telephone No. +49 89 2399-8190	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NO2005/000097

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3(a) and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4(a))
    - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-8 as originally filed

**Claims, Numbers**

1-25 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NO2005/000097

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	17-25
	No: Claims	1-16
Inventive step (IS)	Yes: Claims	17-25
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

Re Item V.

1 Reference is made to the following documents:

D1 : US 6 006 412 A (BERGMANN ET AL) 28 December 1999 (1999-12-28)

D2 : US 2002/184693 A1 (BELAND JEAN-FRANCOIS) 12 December 2002  
(2002-12-12)

D3 : US 6 155 997 A (CASTRO ET AL) 5 December 2000 (2000-12-05)

2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document): A method for manufacturing a personal protection device for protecting a part of a body of a user, comprising the steps of: Providing an image of the shape (fig. 9(110)), based on the image milling out a model with the same shape as the body part (fig. 9(140), step 130 gives the possibility of adjusting said model but only if necessary, furthermore "the same shape" does not have to mean a perfect copy), providing at least on blank with a curved inner surface (fig. 9(step between 140 and 150)), and cutting/or finishing the edge of the blank (fig. 9(step after 150)). The document D1 implicitly discloses the use of said protecting device with a shoe which is generally known comprises fixing devices (e.g. shoe laces or velcro).

3 DEPENDENT CLAIMS 2-16

The document D1 also disclose the subject-matter of the dependent claims 2-16, which therefore also do not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2-16 is not new in the sense of Article 33(2) PCT or does not involve an inventive step in the sense of Article 33(3) PCT (see especially figures and column 2, line 52 to column 4, line 50).

4 INDEPENDENT CLAIM 17

The document D2 is regarded as being the closest prior art to the subject-matter of claim 17, and shows (the references in parentheses applying to this document): a protecting device comprising four elements and fixing devices for connecting said

elements.

The subject-matter of claim 17 differs from this known protecting device in that it is form fitted to a model of the user's body part with the same shape as the user's body part.

The subject-matter of claim 17 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as how to make the protecting device fit better.

The solution to this problem proposed in claim 17 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: The man skilled in the art would not without an inventive step form fit the protecting device to a model of the person. Form fitting the protecting device to a model instead of the person could e.g. have the advantage that the person would not have to be present and that higher temperatures could be used for form fitting.

**5 DEPENDENT CLAIMS 18-25**

Claims 18-25 are dependent on claim 17 and as such also meet the requirements of the PCT with respect to novelty and inventive step.